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Datum/Date

12. 01. 98

Zeichen/Ref./Réf. 2950767	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94915725.9-2303/0698162
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire VALINGE ALUMINIUM AB	

COMMUNICATION PURSUANT TO ARTICLE 115(2) EPC

Please find enclosed observations by a third party concerning the patentability of the invention of the above-mentioned patent application. That person is not a party to the proceedings before the EPO (Art. 115(1) EPC).

Under Article 115(2) EPC you may comment on the observations.

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O/N Ref.: A.135-86
GV/ec

confirmation copy

19 December 1997

Dear Sirs,

re: European patent application No 94915725.9 (Publ.No. 0.698.162)
in the name of: VALINGE ALUMINIUM AB. 2303

Under article 115 EPC, we wish to file following observations,
regarding the above mentioned European patent application.

*
* *

Claim 1 :

With respect to claim 1 ("second request") we would like to draw the attention of the Examiner to the prior-art document GB 2.256.023, of which we enclose herewith a copy. We also enclose an additional copy of figures 4 and 5 of this document, on which several indications have been made.

First of all, GB 2.256.023, page 1, second paragraph, discloses a joint which can be used for flooring. Consequently, this document clearly relates to the same technical field as the European patent application No. 94915725.9.

./.

07. 01. 98 Hk

TIPA02

07. 01. 98 Df

TEL. (03) 225 00 60 (4L) • FAX (03) 233 71 62 • TELEX 32 679 • TELEGR.: PATENTBURO-ANTWERPEN • H.R.A.-R.C.A. 25 541 • BTW-TVA BE 400.526.955
BANKEN-BANQUES: BBL 320-0007538-42 • KB 409-6513001-77 • CL 610-0023220-31 • PCR-CCP 000-0278395-05

Wij staan borg voor de grootste zorg besleed aan de uitvoering van de verleende diensten. Noodgedwongen zijn wij dus alleen verantwoordelijk in geval van intentionele vergissingen.
Nous garantissons le maximum de soins apportés aux travaux d'investigation et avis. Nous ne pouvons donc être tenus responsables que pour les erreurs intentionnelles.

Secondly, it is clear that the joint disclosed in GB 2.256.023 also provides in first and second mechanical connections as claimed in the European patent application No. 94915725.9.

More particularly, as indicated on the enclosed copy of figure 4, the joint of GB 2.256.023 discloses the use of a strip S, which projects on the rear side of a second panel 1' and which is provided with a locking element L (formed by side edge 17b), whereby this locking element is received in a locking groove G at the rear side of said panel 1'. Hereby the locking groove G consists in the recess bordered by the rib 10, on the one hand, and the lower side edge face 11b, on the other hand.

Furthermore, the panels 1 and 1', when joined together, can also occupy a relative position in the direction D2, similar as in the European patent application No. 94915725. More particularly, as indicated on the enclosed additional copy of figures 4 and 5, the joint of GB 2.256.023 clearly shows the "play" claimed in claim 1 of the "second request".

From the aforesaid, it is clear that all features of claim 1 are known from the British patent No. 2.256.023 and consequently the subject-matter of this claim is not new.

*
* *
*

With respect to the dependent claims of EP 94915725.9 we would like to draw the attention of the Examiner to the above-mentioned British patent No. 2.256.023, as well as to following documents:

US 3.310.919
US 3.694.983
US 3.859.000
GB 424.057
GB 1.430.423
GB 2.117.813
DE 2.502.992
DE 3.041.781
CH 200.949
FR 2.568.295
WO 9.313.280

Copies of the abstracts and/or most relevant pages of the above-listed documents are enclosed.

Claim 2:

From figure 4 of GB 2.256.023 one can clearly see that when two panels are pressed against each other and when subsequently panel 1' is turned angularly away from the strip S, the locking element can leave the locking groove G without contacting the locking surface 17b.

Consequently, for this reason, also the subject-matter of claim 2 is not new.

Claim 3 :

As normally, panels as shown in GB 2.256.023 have a thickness which varies between approximately 8 mm and 2 cm, it is clear that the locking surface 17b is smaller than 2 mm. For this reason also claim 3 is anticipated by GB 2.256.023.

Claim 4 :

GB 2.256.023 discloses that the first mechanical connection is provided by a joint edge (tongue 5) of the first panel, which is engaged between the joint edge (upper lip above groove 6) and the front side of the strip S of the second panel. Therefore we believe that the subject-matter of claim 4 is not new.

Claim 5 :

The features of claim 5 that the strip is made of a material different from that of the panel and is fixedly mounted on the panel, are obvious taking into account that flooring panels provided with coupling strips of a material which differs from the material of the panel are already known from US 3.310.919, US 3.694.983 and US 3.859.000.

The feature of claim 5 can also be found in GB 2.117.813. As can be seen in the drawings of this document, the strips 12 and 13 are made of a different material than the plate 11. GB 2.117.813 relates to a wall panel. As the European patent application 94915725.9 relates to building panels, which means wall panels as well as flooring panels, GB 2.117.813 is in the same technical field.

Claim 6 :

The feature of claim 6 that such strip 6 is received in a countersunk groove is also obvious, taking into account that the strips disclosed

in US 3.310.919, US 3.694.983 and US 3.859.000 show also parts which are countersunk in the lower side of the panel.

Claim 9 :

The feature of claim 9 that the strip 6 is fixed to the strip panel 1 by means of a mechanical connection is also known of the above said three American patents, namely US 3.310.919, US 3.694.983 and US 3.859.000, as the strips are also fixedly mounted to the panels.

Claims 10 and 11 :

Using lips or the like which are bent or punched in order to realise a mechanical connection is a technique which is generally known for connecting elements to each other. The use of this technique in flooring panels is within the reach of persons skilled in the art.

According our opinion, therefore claims 10 and 11 are not inventive.

Claim 12 :

Using a binder for connecting two parts to each other, in our opinion, offers no inventive step.

Claim 13 :

The feature of claim 13, stating that the strip is made of a flexible, preferably resilient material, such as sheet aluminium, is also obvious, as according to US 3.859.000 the strips are also made of a metallic material.

Claim 14 :

The feature that the strip 6 is integrally formed with the strip panel 1 is clearly known from the already mentioned document GB 2.256.023, and consequently is not new.

Furthermore the use of strips for coupling flooring panels, these strips being integral with the flooring panels, is generally known from GB 1.430.423, DE 25 02 992, CH 200.949, FR 2.568.295, DE 3.041.781 and GB 424.057.

Claim 15 :

The feature that the locking element consists in a locking edge extending continuously along the strip 6 is not new in view of the joint disclosed in GB 2.256.023. In the latter the locking edge is formed by edge 17b.

Furthermore, the use of continuous locking edges in flooring panels are generally known from GB 1.430.423, DE 25 02 992, CH 200.949, FR 2.568.295, DE 3.041.781 and GB 424.057.

Claim 16 :

The use of spaced apart locking elements is obvious taking in account the teachings of document WO 9313280 (cited in the international search report of the application in question). This document clearly shows that spaced apart elements can be used to couple flooring panels.

Claim 17 :

Claim 17 in fact states that each of the four edges of the panel is provided with a coupling element of the claimed coupling system.

This feature is obvious and not inventive, taking into account that it is generally known to provide flooring panels at each of the four edges with coupling means. Hereto we refer to the drawings of the panels disclosed in GB 424.057, FR 2.568.295 and CH 200.949.

Claim 18 :

The feature to fix an underlay to the rear side of the panel is known of FR 2.568.295. Figure 3 clearly shows the use of such underlay 44.

Claim 19 :

The feature of claim 19, stating that the underlay is fixed so as to cover this strip at least up to the locking element 8 is clearly anticipated by figure 3 of FR 2.568.295. In this figure 3, it can clearly be seen that the underlay 44 covers this strip up to the locking element (languette 31).

20 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54
6.


Claim 20 :

The use of a sealing strip is not inventive, as the use of a similar strip is already known from document GB 2.117.813 (beads 30 and 31).

*
* *

It is respectfully requested that the Examiner handling the European patent application No 94915725.9 should take in consideration the above comments.

Yours faithfully.



E. Donné M.Sc.
European Patent Attorney

Encl.: 46 numbered pages.

FIGURE 5.